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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,556	02/02/2001	Elizabeth B. Diaz	10005399-1	8054

7590 09/22/2004

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/773,556	DIAZ ET AL.	
	Examiner	Art Unit	
	James O. Hansen	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 May 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 and 19-28 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-17, 19-28 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "front panel" and "hooks" [claim 28] must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

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of the following is required: There is no basis in the specification for the claimed limitations "front panel" and "hooks" as recited in new claim 28.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-17 & 19-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyai et al., [U.S. Patent No. 5,139,319] in view of Korinsky et al., [U.S. Patent No. 5,964,513] and Johnson [U.S. Patent No. 3,803,670]. Miyai (figures 1-17) teaches of an appliance casing (fig. 1) comprising: side panels (3, 4), a plurality of cover panels (20) made from a thermoplastic material to be solely attached to the side panels, corresponding holes (22 e.g.,) located in the respective panels; and a plurality of fasteners (21) for securing the cover panels to a respective side panel via the holes, a cover panel being adapted to overlie exactly one face [viewed as one surface] of the casing (see fig. 1). As to the new claim 28, the casing having a front portion [frontal portion as shown in fig. 1] with a case front panel (20) attached to the casing via a connector.

Miyai teaches applicant's inventive claimed structure as disclosed above, including the cover panel's interior surface having the same shape as the exterior surface of the side panel, a cover panel having a vent [viewed as one of the holes when a fastener is not inserted] corresponding to a vent in a side panel [viewed as the corresponding hole with no fastener], and the panels being molded in a variety of

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different colors or patterns; but Miyai does not disclose the appliance casing as being a "computer case" or show the fasteners used to attach the cover panels to the side panels as being "elastomeric feet" as prescribed and defined by applicant.

Korinsky (figures 1-12) is cited for teaching applicant's use of a cover panel (fig. 12) to be attached to a side panel (fig. 11) of a computer case. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize removable panels on a varying array of apparatuses as taught by Korinsky because the arrangement of using a cover panel on a side panel of a computer case further demonstrates that the knowledge to provide removable panels in a computer environment depending upon a personal preference, design consideration or intended application was known in the art.

As to the elastomeric feet, Johnson (figures 1-5) teaches the use of a resilient and flexible "foot" having a cover portion (24), legs (26) extending from the cover portion and a shoulder portion (28) at the ends of each leg [the foot may be viewed as a "hook" as best understood by the examiner]. The fastener is used to fasten two adjacent panels together. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize a flexible foot [fastener] as taught by Johnson to secure adjoining panels of an appliance/computer casing since this arrangement would allow the panels to be fastened together without the use of tools, thereby conserving time [during assembly] and saving money [labor costs associated with assembly].

It is noted that the method of preparing [painting] elements of the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight. Conversely, the examiner has previously pointed

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out that Miyai teaches the use of differently colored/patterned panels. As to the "method of installing a panel", the examiner has taken the position that the prior art substantially teach the structural elements of applicant's invention and that the normal use of prior arts structure [as disclosed in column 4 of Miyai for example] inherently encompasses the same steps as prescribed by applicant, i.e., inserting a connector through a plurality of aligned holes located on respective panel members.

Response to Arguments

5. Applicant's arguments filed May 27, 2004 have been fully considered but they are not persuasive. As to the claimed combination of the case and side panels, the examiner has taken the position that the combination is being claimed due to an evaluation of recent amendments to the claims and the reliance of claimed limitations in support of the cover panels i.e., the feet must be inserted through both holes of a cover panel and a side panel of the case for the apparatus to function as claimed. The position could be taken that the side panels of the case are not positively being claimed in combination, but this view, if adopted, is seen as raising a 112(2) issue of an unbased comparison since the positively claimed limitations are dependent upon the structure of a non-positively claimed article [in this case, the panels of the case].

6. As to the cited references applied above, it is viewed that the rejection is clear in that Miyai teaches the claimed structure. Korinsky is cited as an evidence reference only to show that it was known to utilize removable panels on a "computer casing" in view of Miyai's "electronic casing" [alternate casing]. Johnson is cited as an evidence reference only to show that it was known to utilize elastomeric feet between two panel members so as to fasten the members together [alternate fastening arrangement].

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Accordingly, it is viewed that the motivation is found through the knowledge demonstrated in the references themselves and that a combination of the references is viewed as being reasonable since such modifications would not affect the purpose or function of Miyai's structure in an adverse manner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 703-305-7414. The examiner can normally be reached on Mon.-Fri. 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
September 17, 2004